



IFW

PTO/SB/21 (09-04) (AW 10/2004)

Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/686,863

Filing Date October 16, 2003

First Named Inventor Michael Chobotov

Art Unit 3738

Examiner Name Thomas Sweet

Attorney Docket No. BSI-538US

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
 - ☐ After Final
 - ☐ Affidavits/Declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/
Incomplete Application
 - ☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation,
Change of Correspondence
Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
 - ☐ Landscape Table on CD

- ☐ After Allowance Communication
to TC
- ☐ Appeal Communication to Board
of Appeals and Interferences
- ☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply
Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please
identify below): Restriction
Requirement (1 pg), Return
Receipt Postcard

Remarks:

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name RatnerPrestia

Signature 

Printed Name Glenn M. Massina

Date February 1, 2007

Registration No. 40,081

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature 

Typed or Printed Name Anne Pinto

Date

February 1, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Appln. No.: 10/686,863
Restriction Requirement Dated February 1, 2007
Reply to Restriction Requirement of January 5, 2007

BSI-538US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/686,863
Applicant: Michael Chobotov
Filed: October 16, 2003
Title: DELIVERY SYSTEM AND METHOD FOR BIFURCATED GRAFT
TC/A.U.: 3738
Examiner: Thomas Sweet
Confirmation No.: 7447
Docket No.: BSI-538US

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

This is in response to the Restriction Requirement stated in the Office Letter dated **January 5, 2007**. Applicants elect to prosecute Group I, claims 1-14.

This election is made with traverse.

Applicants respectfully submit that the claims do not require restriction as a combination and subcombination.

As set forth in MPEP §806.05(c), "[t]o support a requirement for restriction between combination and subcombination inventions, both two-way distinctness and reasons for insisting on restriction are necessary, i.e., there would be a serious search burden if restriction were not required as evidenced by separate classification, status, or field of search." It is further explained that "[t]he inventions are distinct if it can be shown that a combination as claimed: (A) does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and . . ." Comparing independent claims 1 and 15, each of the structural limitations recited in subcombination claim 1 is also recited in combination claim 15. As such, the inventions are not so distinct as to require restriction.

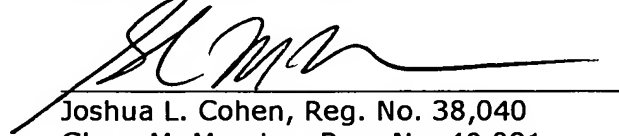
Additionally, in view of the substantial commonality between the claims, there would not be a "serious search burden" if restriction were not required.

Appln. No.: 10/686,863
Restriction Requirement Dated February 1, 2007
Reply to Restriction Requirement of January 5, 2007

BSI-538US

Applicants respectfully request withdrawal of the restriction requirement and early consideration and allowance of each of the pending claims.

Respectfully submitted,



Joshua L. Cohen, Reg. No. 38,040
Glenn M. Massina, Reg. No. 40,081
Attorneys for Applicants

JLC/GMM/ap
Dated: February 1, 2007

<input checked="" type="checkbox"/> P.O. Box 980 Valley Forge, PA 19482 (610) 407-0700	<input type="checkbox"/> P.O. Box 1596 Wilmington, DE 19899 (302) 778-2600
--	--

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: 2/1/07

